



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/897,232	07/02/2001	David James Stevenson	01-494	9022

7590

03/27/2006

McDonnell Boehnen Hulbert & Berghoff
32nd Floor
300 S. Wacker Drive
Chicago, IL 60606

EXAMINER

DOAN, DUYEN MY

ART UNIT

PAPER NUMBER

2143

DATE MAILED: 03/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/897,232

Applicant(s)

STEVENSON ET AL

Examiner

Duyen M. Doan

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-25 are currently amended for examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-16, 19-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Justice, Jr. et al (us pat 6,418,469) (hereinafter Justice) in view of Roytman et al (us pat 6,356,282) (hereinafter Roytman).

As regarding claim 1, Justice discloses receiving network management data (col.1, lines 25-39), and determining if the network management data indicates the resolution of a previous event generated by the network management system in response to previously received network management data (col.1, lines 25-67, col.3, lines 26-67; col.4, lines 1-33, also see Fig.5, the log represents the list of action and recurring action, determine if the event in the log is resolved, then the management program updates the event list in response to the condition being resolved, the previous event is just an event in the log).

Art Unit: 2143

Justice does not explicitly disclose changing a severity indicator of said previous event dependent on said determining step.

Roytman teaches changing a severity indicator (see Roytman col.2, lines 18-33, 59-67 to col.3, lines 5, col.7, lines 1-21, lines 54-67; col.8, lines 1-21, the network manager changing the state of the alarm).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the teaching of Roytman to the method of Justice to change the state of the alarm because by changing the state of the alarm would make it easy to acknowledge the individual alarms and helpful to network management personnel in identifying the cause of the alarm and its solution (see Roytman col.3, lines 31-43, col.7, lines 1-45).

As regarding claim 2, Justice-Roytman discloses if the network management data indicates the resolution of a previous event, the method further comprises marking the previous event as resolved (see Justice, Fig.8, mark date and time of resolved event).

As regarding claim 3, Justice-Roytman discloses the network management data is processed in response to the network management system receiving network management data from the network (see Justice, col.1, lines 25-67).

As regarding claim 4, Justice-Roytman discloses the network management data comprising values of a monitored characteristic of a part of the network for which an event is generated if the monitored value exceeds a predetermined threshold (see Justice col.3, lines 19-67, col.4, lines 1-33; also see Fig.5, the log represents the list of

Art Unit: 2143

action and recurring action, determine if the event in the log is resolved, then the management program updates the event list in response to the condition being resolved, the previous event is just an event in the log), wherein an event list includes an unresolved previous event for the monitored characteristic, wherein the step of receiving network management data comprises receiving a value for the monitored characteristic, and the step of determining comprises considering whether the monitored value has been below the predetermined threshold for a preceding time period, and if so determining that the received value indicates the resolution of the unresolved previous event (see Justice col.3, lines 19-67, col.4, lines 1-33; also see Fig.5, the log represents the list of action and recurring action, determine if the event in the log is resolved, then the management program updates the event list in response to the condition being resolved, the previous event is just an event in the log).

As regarding claim 5, Justice-Roytman discloses in response to receiving the network management data, comparing a first received value for the monitored characteristic with the predefined threshold, and if the value is below the predefined threshold, starting a timer, the timer expiring at the end a predefined time period (see Justice col.3, lines 26-67, col.4, lines 1-33).

As regarding claim 6, Justice-Roytman discloses comparing each subsequent received value for the monitored characteristic with the predefined threshold, and if any value exceeds the threshold canceling the timer (see Justice col.3, lines 26-67, col.4, lines 1-33).

As regarding claim 7, Justice-Roytman discloses when the timer expires, determining that the monitored value has been below the predetermined threshold for the preceding time period (see Justice col.3, lines 26-67, col.4, lines 1-33).

As regarding claim 8, Justice-Roytman discloses periodically receiving a value for the monitored characteristic (see Justice, col.4, lines 19-33); if a received value exceeds a predetermined threshold for the monitored characteristic generating an event (see Justice, col.3, lines 43-67, col.4, lines 1-17); and thereafter, periodically considering whether the monitored value has been below the predetermined threshold for a preceding time period, and if so determining that the event is resolved (see Justice col.3, lines 26-67) and changing a severity indicator of said event (see col.2, lines 18-33, lines 59-67 to col.3, lines 5, col.7, lines 1-21, lines 54-67; col.8, lines 1-21, the network manager changing the state of the alarm). The same motivation was utilized in claim 1 applied equally well to claim 8.

As regarding claim 9, Justice-Roytman discloses the preceding time period is an immediately preceding predetermined time period, and the step of periodically considering comprises considering whether the monitored value has been below the predetermined threshold for the immediately preceding time period in response to each subsequently received value (see Justice col.3, lines 19-67, col.4, lines 1-33).

As regarding claim 10, Justice-Roytman discloses the step of considering determines that the event is resolved; the method further comprises marking the event as resolved (see Justice Figure 8, mark the date of the resolved event).

As regarding claim 11, Justice-Roytman discloses the network management data relating to an asynchronous Trap being received by the network management system, wherein the step of determining comprises considering if the Trap indicates the possible resolution of an event in an event log (see Justice, col.3, lines 14-67).

As regarding claim 12, Justice-Roytman discloses if the Trap indicates the possible resolution of an event in an event log, the step of determining further comprises considering whether the event log includes a previously received event that is resolved by the Trap (see Justice col.3, lines 14-67).

As regarding claim 13, Justice-Roytman discloses A method for processing data received in an asynchronous Trap by a network management system, the method comprising: receiving a Trap from the network (see Roytman col.1, lines 55-59; col.5, lines 53-65); considering if the Trap indicates the possible resolution of a event in an event log, and if so considering if the Trap indicates the possible resolution of a further event in the event log (see Justice col.3, lines 26-58, the network message Trap indicate the same problem or other problem has occurred, management application identify when a condition has been resolved).

As regarding claim 14, Justice-Roytman discloses the method processes network management data previously received by the network management system and stored in memory (see Justice col.3, lines 6-13, database store action list).

As regarding claim 15, Justice-Roytman discloses the step of receiving network management data comprises receiving event data relating to an event stored in

Art Unit: 2143

memory, in response to a scan of previously generated events stored and included in an event log (see Justice, col.2, lines 51-67).

As regarding claim 16, Justice-Roytman discloses the event data relates to a recurring event and includes the time of the last occurrence of the event (see Justice col.2, lines 51-67, Figure.8).

As regarding claim 19, Justice-Roytman discloses A method for processing event data generated by a network management system during the monitoring of a network (see Roytman col.2, lines 18-33, 59-67 to col.3, lines 5, col.7, lines 1-21, lines 54-67; col.8, lines 1-21, monitoring and displaying alarm in the log) the method processing event data relating to events previously generated by the network management system a plurality of times and which may be entered in the event log as a recurring event (see Justice col.1, lines 25-67, col.3, lines 26-67; col.4, lines 1-33, also see Fig.5, the log represents the list of action and recurring action, determine if the event in the log is resolved, then the management program updates the event list in response to the condition being resolved, the previous event is just an event in the log, event 11000 appeared three times in the log, also see Figure.8, upgrade system Rom appeared twice with two different time periods), the method comprising identifying a recurring event to be processed from the event list (see Justice col.1, lines 25-67, col.3, lines 26-67; col.4, lines 1-33, also see Fig.5, the log represents the list of action and recurring action, determine if the event in the log is resolved, then the management program updates the event list in response to the condition being resolved, the previous event is just an event in the log, event 11000 appeared three times in the log, also see

Art Unit: 2143

Figure.8, upgrade system Rom appeared twice with two different time periods); and considering whether the condition which caused the event to be generated has occurred in a preceding time period (see Justice col.1, lines 25-67, col.3, lines 26-67; col.4, lines 1-33, also see Fig.5, the log represents the list of action and recurring action, determine if the event in the log is resolved, then the management program updates the event list in response to the condition being resolved, the previous event is just an event in the log, event 11000 appeared three times in the log, also see Figure.8, upgrade system Rom appeared twice with two different time periods).

As regarding claim 20, Justice-Roytman discloses if the step of considering determines that the condition which caused the event to be generated has not occurred in the preceding time period, determining the event to be resolved (see Justice col.1, lines 25-67, col.3, lines 26-67; col.4, lines 1-33, also see Fig.5, the log represents the list of action and recurring action, determine if the event in the log is resolved, then the management program updates the event list in response to the condition being resolved, the previous event is just an event in the log).

As regarding claim 21, Justice-Roytman discloses mark the event in the event list as resolved (see Roytman col.2, lines 18-33, 59-67 to col.3, lines 5, col.7, lines 1-21, lines 54-67; col.8, lines 1-21, mark the event cleared).

As regarding claim 22, the limitations are similar to claim 1, therefore rejected for the same rationale as claim 1.

As regarding claims 23-25, the limitations are similar to claims 1-4, therefore rejected for the same rationale as claims 1-4.

Art Unit: 2143

Claims 17-18, are rejected under 35 U.S.C. 103(a) as being unpatentable over Justice, Jr. et al (us pat 6418469) (hereinafter Justice) in view of Roytman (us pat 6,356,282) as applied to claims 1,16 above and further in view of Gaffaney et al (us pat 5634008) (hereinafter Gaffaney).

As regarding claim 17, Justice-Roytman discloses all limitations of claim 1, 16 above but does not discloses comparing the present time with the time of the last occurrence of the event, and, if the time difference is greater than a predetermined time interval, determining that the event is resolved. Gaffaney teaches comparing the present time with the time of the last occurrence of the event (col.3, lines 1-12), and, if the time difference is greater than a predetermined time interval, determining that the event is resolved (col.3, lines 1-12).

It would have been obvious to one with ordinary skill in the art at the time of the invention was made to combine the teaching of Gaffaney to the method of Justice-Roytman to have comparing the time of the events, if the time difference is greater than a predetermined time interval, determining that the event is resolved for the purpose of eliminating the need for maintenance of multiple timer and for recalculating time intervals in order to determine whether or not prescribed threshold conditions associated with a plurality of events associated with a plurality of devices in communication network have been detected (see Gaffaney col.2, lines 14-29).

As regarding claim 18, Justice-Roytman-Gaffaney discloses the step of determining determines that the event is resolved, the method further comprises

Art Unit: 2143

marking the recurring event as resolved (see Justice, col.2, lines 51-67, col.3, lines 1-67, also see Fig.8, mark the date and time of the resolved event).

Response to Arguments

Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2143

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2143

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duyen M. Doan whose telephone number is (571) 272-4226. The examiner can normally be reached on 9:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner
Duyen Doan
Art unit 2143



JEFFREY PWU
PRIMARY EXAMINER